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Docket No. SP02-143 (01 5275-060007)

Patent

REMARKS

Claims 1-50 are pending. By this amendment, claims 3, 6-8 and 27-41 have been withdrawn with traverse. Applicants reserve the right to pursue these withdrawn claims in a continuation or divisional application.

The amendment does not introduce new matter. Entry of the amendment is, therefore, respectfully requested.

Restriction Requirement

On page 2, the Office Action restricts the present application to one of the following two groups of claims: Group I, which includes claims 1-26 and 42-50, allegedly drawn to a method for detecting and identifying a toxin, classified in class 435, subclass 4; and Group 2, which includes claims 27-41, allegedly drawn to an array, classified in class 435, subclass 287.1. Applicants hereby elect, with traverse, Group I for prosecution on the merits.

MPEP § 803 states “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” Without agreeing to disagreeing with the contention that Groups I and II are distinct or independent inventions, Applicants respectfully submit that the search and examination of these groups of claims do not impose any serious burden upon the Examiner. For instance, all of the claims in Groups I and II, are directed to membrane arrays or uses thereof. This feature would allow the Examiner to search and examine Groups I-II without undue burden. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the restriction requirement.

Election of Species

On pages 2-3, the Office Action requires Applicants to elect one of the following species: cell-surface protein (claim 3), carbohydrate (claims 4-5), natural lipid (claim 6), synthetic lipid (claim 6), lipid composition containing a toxin binding receptor (claims 6 and 8), purified receptor (claim 6), and ion channel (claim 7). Applicants hereby elect, with traverse, carbohydrate (claims 4-5) for prosecution on the merits. Claims 1-2, 9-26 and 42-50 are readable upon carbohydrate.

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For the same reasons set forth above, Applicants respectfully submit that the search and examination of all of the alleged species would not impose any serious burden upon the Examiner. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the election requirement.

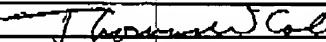
Moreover, Applicants submit that claims 1 and 2 are generic claims. Therefore, upon the allowance of claims 1 or 2, Applicants are entitled to consideration of claims to additional species which are written in dependent form or include all the limitations of an allowed generic claim.

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Patent**CONCLUSION**

Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance of the claims are earnestly solicited. Although Applicants believe that the amount of the attached fee is correct, the Commissioner is hereby authorized to charge any payment deficiency to deposit account number 19-2310 referring to attorney docket number 015275-060007.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' attorney of record.

	Respectfully submitted,
Date: January 26, 2005	
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